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Department of Defense INSTRUCTION

NUMBER S-5200.42

December 8, 2009

USD(I)

SUBJECT: Defense Human Intelligence (HUMINT) and Related Intelligence Activities (U)

References: See Enclosure 1

1. (U) PURPOSE. This Instruction:

a. (U) Establishes policy, assigns responsibilities, and provides instruction for the management and execution of DoD HUMINT operations and related intelligence activities pursuant to DoD Directive (DoDD) S-5200.37 (Reference (a)) and in accordance with the authority in DoDD 5143.01 (Reference (b)).

b. (U) Incorporates and cancels DIA Defense HUMINT Management Office Message (Reference (c)).

2. (U) APPLICABILITY. This Instruction:

a. (U) Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

b. (U) Does not apply to the conduct of interrogations, and does not supersede DoDD 3115.09 (Reference (d)).

3. (U) DEFINITIONS. See Glossary.

4. (U) POLICY. It is DoD policy that:

Classified by: USD(I)

Reason: 1.4(c)

Declassify on: February 14, 2034

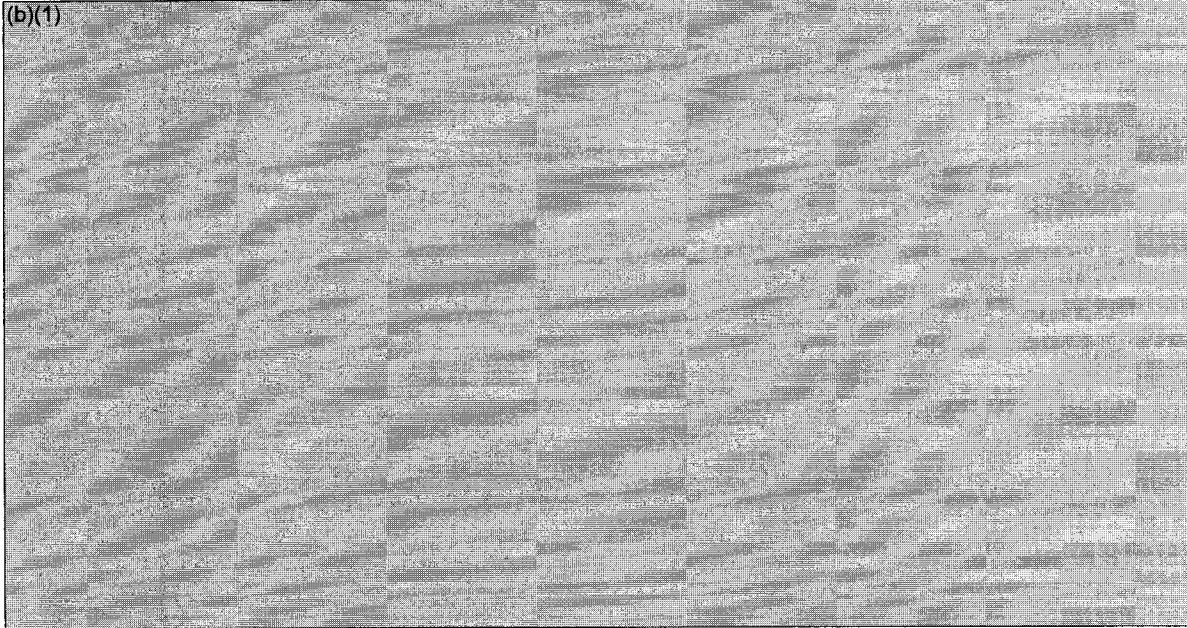
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a. (U) Defense HUMINT operations shall be conducted with common purpose, intent, and standards, to address DoD intelligence needs and intelligence priorities established by the Director of National Intelligence (DNI).

b. (U) All Defense HUMINT and related intelligence activities shall be managed and conducted by appropriately trained and qualified personnel, within organizations that have the mission to conduct such HUMINT activities, and under the direction of military commanders or other pertinent authorities.



g. (U) Defense HUMINT and related intelligence activities shall be coordinated with the Intelligence Community in accordance with Reference (a), Executive Order 12333, Intelligence Community Directive 304, National HUMINT Manager Directive (NHMD) 006.08, and the Memorandum of Agreement between the Department of Defense and the Central Intelligence Agency (CIA) (References (f) through (i)), and any other applicable law, policy, or agreement.

h. (U) Defense HUMINT intelligence information reports (IIRs), and IIR evaluations of intelligence and information collected through HUMINT and related intelligence activities shall be disseminated to maximize release to foreign partners (e.g., Australia, Canada, and the United Kingdom) and to U.S. Federal, State, local, and tribal authorities whenever possible. Dissemination of intelligence and information shall protect sources and methods in accordance with Secretary of Defense and Director National Intelligence Memorandum and DoDD C-5230.23 (References (j) and (k)).

i. (U) Intelligence information determined subsequent to publication to be unreliable due to fabrication or otherwise discredited sourcing shall be formally recalled or revised in accordance

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with the Director of National Intelligence Memorandum and DoDI S-3325.07 (References (l) and (m)).

j. (U) Each employee shall report suspected violations of U.S. Federal criminal law by an employee, and of specified U.S. Federal criminal laws by any other person, immediately through the chain of command to the Defense HUMINT Manager, the Assistant to the Secretary of Defense for Intelligence Oversight, and the DoD Component's General Counsel or Inspector General, as required by sections 1.6 (b) and (c) of Reference (f), the 1995 Crimes Reporting Memorandum of Understanding, procedure 15 of DoD 5240.1-R, and DoDD 5148.11 (References (n) through (p)).

k. (U) All proposed HUMINT-related memorandums of agreement (MOAs), memorandums of understanding (MOUs), and other written agreements with non-Defense agencies shall be coordinated through the Defense CI and HUMINT Center (DCHC) with the Office of the Under Secretary of Defense for Intelligence (OUSD(I)) prior to signature.

5. (U) RESPONSIBILITIES. See Enclosure 2.

6. (U) PROCEDURES. See Enclosure 3.

7. (U) INFORMATION REQUIREMENTS. The reporting requirements in this Instruction are exempt from licensing according to paragraphs C4.4.1., C4.4.7., and C4.4.8. of DoD 8910.1-M (Reference (q)).

8. (U) RELEASABILITY. RESTRICTED. This Instruction is approved for restricted release. Authorized users may obtain copies on the SECRET Internet Protocol Router Network from the DoD Issuances Web Site at <http://www.dtic.smil.mil/whs/directives>.

9. (U) EFFECTIVE DATE. This Instruction is effective immediately.



James R. Clapper, Jr.

Under Secretary of Defense for Intelligence

Enclosures

1. (U) References
2. (U) Responsibilities
3. (U) Procedures
- (U) Glossary

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ENCLOSURE 1

REFERENCES (U)

(The Reference titles in this enclosure are UNCLASSIFIED)

- (a) (b)(1)
- (b) DoD Directive 5143.01, "Under Secretary of Defense for Intelligence (USD(I)),
November 23, 2005
- (c) Defense Intelligence Agency Defense HUMINT Management Office Message, "Interim
Guidance on Operational Restrictions on the Use of Certain Categories of Individuals
and/or Occupations in DoD HUMINT Operations," (hereby canceled)
- (d) DoD Directive 3115.09, "DoD Intelligence Interrogations, Detainee Debriefings, and
Tactical Questioning," October 9, 2008
- (e) DoD Instruction 1100.22, "Guidance for Determining Workforce Mix," September 7, 2006
- (f) Executive Order 12333, "United States Intelligence Activities," December 4, 1981,
as amended
- (g) Intelligence Community Directive 304, "Human Intelligence," March 6, 2008¹
- (h) National HUMINT Manager Directive 006.08, "Intelligence Community Directive 304 –
Human Intelligence: Clandestine Operational Coordination Procedures," July 29, 2008²
- (i) Memorandum of Agreement Between the Department of Defense and Central Intelligence
Agency, "Operational Activities," July 2005, with Annexes²
- (j) Secretary of Defense and Director National Intelligence Memorandum, "Revised
Instructions for Sharing Classified Military Information and Intelligence Information with
the United Kingdom, Australia, and Canada," May 11, 2006¹
- (k) (b)(1)
- (l) Director of National Intelligence Memorandum, "Intelligence Community Standards and
Procedures for Revised and Recalled Intelligence Products," August 28, 2005¹
- (m) (b)(1)
- (n) Memorandum of Understanding Between the Department of Defense and the Department
of Justice, "Crimes Reporting," September 8, 1995³
- (o) (b)(2)
- (p) DoD Directive 5148.11, "Assistant to the Secretary of Defense for Intelligence Oversight,"
May 21, 2004
- (q) DoD 8910.1-M, "Department of Defense Procedures for Management of Information
Requirements," June 30, 1998

¹ (U) Copies are available to authorized users on JWICS: <http://sharepoint.intelink.ic.gov/sites/prr/strategyplanspolicy/policy/default.aspx>

² (U) Copies are available to authorized users on JWICS: <https://cho.cia.ic.gov/page/default.aspx> (Requires a PKI certificate)

³ (U) Copies are available to authorized users via the Defense SECRET Internet Protocol Router Network
http://usdi.dia.smil.mil/usdi_st/usdi_docs/keyref/usdi_keyref.cfm

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- (r) DoD Instruction 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," April 16, 2008
- (s) (b)(1) [REDACTED]
- (t) DoD Instruction 1400.36, "DoD Implementation of the Joint Intelligence Community Duty Assignment (JDA) Program," June 2, 2008
- (u) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (v) Chairman of the Joint Chiefs of Staff Manual 3314.01, "Intelligence Planning," February 28, 2008
- (w) Joint Publication 2-01.2, "Counterintelligence and Human Intelligence Support to Joint Operations," June 13, 2006
- (x) Intelligence Community Policy Memorandum Number 2006-300-1, "Validation of National Human Intelligence Sources," January 12, 2007¹
- (y) (b)(2) [REDACTED]
- (z) (b)(1) [REDACTED]
- (aa) DoD Directive 5240.01, "DoD Intelligence Activities," August 27, 2007
- (ab) (b)(1) [REDACTED]
- (ac) [REDACTED]
- (ad) Section 3108 of title 5, United States Code
- (ae) Section 403-7 of title 50, United States Code

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ENCLOSURE 2

RESPONSIBILITIES (U)

1. (U) USD(I). The USD(I) shall exercise oversight of all DoD HUMINT and related intelligence activities pursuant to Reference (b), as follows:

a. (U) Conduct periodic evaluations of Defense HUMINT, to verify compliance with applicable law and policy.

b. (U) Compile and review a quarterly report to the congressional intelligence committees that includes information from all defense intelligence components regarding Category 1 and 2 clandestine operations that were active or terminated during the preceding quarter, including associated funding.

c. (U) Review and, when appropriate, concur with proposed Category 1 HUMINT activities as defined in Reference (a).

d. (U) In consultation with the Military Departments, Combatant Commands, and the Defense Intelligence Agency (DIA), develop and oversee the implementation of an integrated career management program governing the training, assignment, and promotion of DoD civilians engaged in the conduct of HUMINT activities consistent with DoDI 1000.17, DoDD S-5210.36, and DoDI 1400.36 (References (r) through (t)).

e. (U) Oversee the Defense Counterintelligence (CI) and HUMINT Center (DCHC) annual assessment of Defense HUMINT enterprise capabilities, activities, and any required resource reallocations identified through that process.

f. (U) Review and provide feedback to Defense HUMINT Executors (DHEs) on proposed HUMINT-related MOAs, MOUs, and other written agreements with non-Defense agencies prior to signature.

2. (U) DIRECTOR, DIA. The Director, DIA, as the Defense HUMINT Manager, under the authority, direction, and control of the USD(I), and pursuant to Reference (b), shall:

a. (U) Chair the principal governing body of the Defense CI and HUMINT Enterprise.

b. (FOUO) Maintain an indexed central repository of international agreements pertaining to Defense HUMINT, in accordance with DoDD 5530.3 (Reference (u)).

c. (U) Develop and issue guidance as necessary to carry out the duties of the Defense HUMINT Manager.

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3. (U) DIRECTOR, DCHC. The Director, DCHC, under the authority, direction, and control of the Director, DIA, shall:

a. (U) Integrate, manage, coordinate, and deconflict Defense HUMINT and enabling activities.

b. (U) Develop, issue, and update, as necessary, Defense HUMINT programmatic and collection strategies with associated goals and performance objectives.

c. (U) Designate, in consultation with the DHEs, the HUMINT campaign managers, who shall synchronize full-spectrum DoD HUMINT collection against the most important defense-related intelligence requirements of the Department of Defense and the Intelligence Community.

(b)(1)



e. (U) Support the DoD contingency and deliberate planning process as described in Chairman of the Joint Chiefs of Staff Manual 3314.01 (Reference (v)) and Joint Publication 2-01.2 (Reference (w)). Develop Defense HUMINT Enterprise functional support plans in support of the intelligence planning process, in close collaboration with the DHEs. Defense HUMINT Enterprise capabilities shall be responsive to Combatant Command plans.

f. (U) Oversee and certify that DoD HUMINT-specific research and development supports integrated DoD and IC efforts.

(b)(1)



h. (FOUO) Maintain an indexed central repository of international agreements pertaining to Defense HUMINT, in accordance with Reference (u).

(b)(1)



j. (U) Conduct, with USD(I) oversight, an annual assessment of Defense HUMINT Enterprise capabilities and activities.

k. (U) Review and assess for the USD(I) proposed HUMINT-related MOAs, MOUs, and other written agreements with non-Defense agencies prior to signature. Maintain an archive of all current MOAs, MOUs, and other written agreements between DHEs and non-Defense agencies.

4. (U) DHEs. The DHEs shall:

(b)(1)

(1) (U) Are staffed with personnel trained and experienced in the forms of collection they oversee; and:

(2) (U) Have ready access to documentation, including contact reports and source files, pertaining to the activities in question. Source files shall be retained by the owning DHE according to that DHE's disposition schedule. Source files shall be reviewed by responsible DHEs as long as contact with the source is maintained.

b. (U) Keep the Defense HUMINT Manager or designee apprised of the following HUMINT collection capabilities, plans, and activities:

(1) (U) Collection prioritization guidance issued to collection elements.

(2) (U) Category 1 and Category 2 Defense HUMINT and related intelligence activities concurrent with reporting to USD(I). This requirement encompasses military source operations as well as operations responding to national intelligence requirements.

(3) (U) Plans to establish new or disestablish existing HUMINT operating locations.

(4) (U) The detail of DoD HUMINT personnel to organizations outside the Department of Defense, per References (r), (s), and (t).

(5) (U) Plans to negotiate or conclude agreements with foreign intelligence organizations involving Defense HUMINT personnel or resources in accordance with Reference (u).

c. (U) Respond to validated HUMINT collection requirements in accordance with References (a) and (q).

(b)(1)

e. (U) Oversee the conduct of HUMINT collection by appropriately trained and qualified personnel.

f. (U) Designate offices of record for review and retention of written documentation prepared in accordance with paragraphs 4.e. and 4.f. of the front matter of this Instruction.

(b)(1)



l. (U) Maximize collaboration with foreign partners, in accordance with Reference (k) and on a need to know basis, and keep the Defense HUMINT Manager informed of bilateral and multilateral HUMINT activities.

m. (U) Submit all proposed HUMINT-related MOAs, MOUs, and other written agreements with non-Defense agencies through the DCHC to OUSD(I) prior to signature. Additionally, provide the Director, DCHC with copies of all current MOAs, MOUs, and other written agreements with non-Defense agencies unless provided under a previous USD(I) request.

ENCLOSURE 3

PROCEDURES (U)

1. (U) ENTERPRISE GOVERNANCE

a. (U) Defense HUMINT Enterprise governing bodies shall meet at least quarterly to provide the Defense HUMINT Enterprise strategic guidance regarding issues of common concern.

b. (U) Standing functional councils designated by the Director, DCHC, shall support the Defense HUMINT Enterprise governing bodies.

2. (U) REQUIREMENTS MANAGEMENT

a. (U) Intelligence requirements nominated for DoD HUMINT collection and reporting shall:

(1) (U) Be suitable for collection via HUMINT rather than other intelligence disciplines.

(2) (U) Be of sufficient importance to justify the dedication of HUMINT resources.

(3) (U) Not duplicate an existing requirement.

(4) (U) Not duplicate information readily accessible through open sources, existing holdings of the USG, or intelligence exchange agreements.

(5) (U) Not direct the collection of information about U.S. persons except as authorized by References (f), (o), and DoDD 5240.01 (Reference (aa)).

b. (U) DHEs shall issue operating directives to field collection elements to prioritize long-term collection goals tailored to the accesses of those elements. Combatant Commands affected by the guidance will be provided the opportunity to contribute to such directives.

3. (U) COLLECTION PLANNING

a. (U) HUMINT campaign managers shall, in the context of the DNI's National Intelligence Priorities Framework, issue guidance amplifying DoD priorities (to include commanders' priority intelligence requirements). This guidance shall:

(1) (~~FOUO~~) Identify and prioritize critical intelligence gaps on which to focus collection efforts.

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(b)(1)



4. (U) OPERATIONAL COORDINATION

(b)(1)



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5. (U) OPERATIONS MANAGEMENT

(b)(1)



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b. (U) DHEs shall assess the authenticity, reliability, and utility of sources under their purview in accordance with References (m), (x), and (y).

(1) (U) Continuous vetting of sources shall be conducted to ensure information security, credibility, and reliability.

(b)(1)

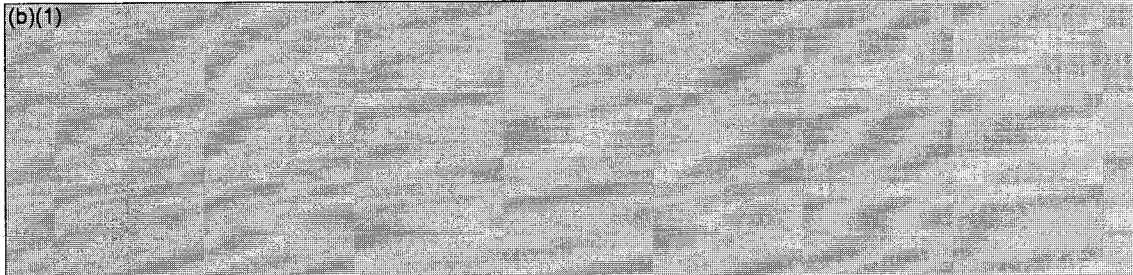


6. (U) INTELLIGENCE REPORTING

a. (U) Information of intelligence value obtained in the course of Defense HUMINT and related intelligence activities shall be disseminated in IIRs submitted in accordance with Reference (aa).

b. (U) Tactical information collected in direct support of military operations shall be reported in tactical intelligence information reports (TIIRs) using U.S. Joint Forces Command instructions. Information of enduring intelligence value contained in TIIRs shall also subsequently be reported in IIR format and channels as soon as practicable.

c. (U) Time-sensitive threat information shall be immediately reported to all affected DoD Components and foreign partners using the most expeditious means available. Such reports shall be followed by an IIR.

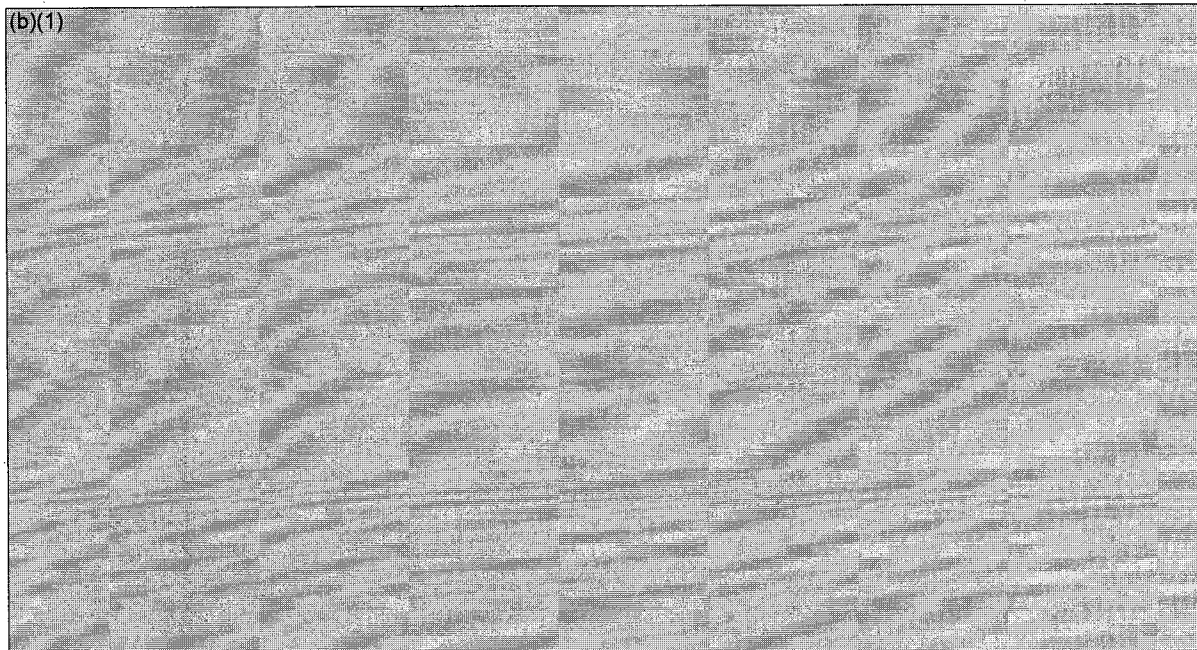


f. (U) Collectors shall review details provided in IIR source descriptions and context statements to ensure they do not compromise the source.



7. (U) OPERATIONAL RESTRICTIONS

a. (U) Operational use of the following categories of individuals is prohibited.



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(b)(1)



c. (U) Operational use of the following categories of individuals requires prior USD(I) concurrence and interagency coordination in accordance with References (a), (h), and (i). This authority shall not be further delegated:

(1) (U) Notorious or prominent individuals. In either case, the operational use of these individuals, if discovered, could have an adverse effect on U.S. foreign policy, DoD activities, or military operations, or could embarrass the United States, its allies, or the Department of Defense.

(b)(1)



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(b)(1)



d. (U) The operational use of the following categories of individuals may be approved by the DHEs following coordination in accordance with References (a), (h), and (i) with the appropriate USG agencies. This authority may not be further delegated.

(b)(1)



e. (U) Operational use of the following categories of individuals may be approved by DHEs or their designee after interagency coordination in accordance with References (a), (h), and (i) and careful consideration of the risks with using such individuals. Coordination must still be

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conducted with FBI, NCS, or any Federal, State, local, academic or private sector entities as normally required. Drug Enforcement Administration coordination is required for all known or suspected narcotics traffickers and associated individuals.

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(b)(1)



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(b)(1)



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GLOSSARYACRONYMS AND ABBREVIATIONS (U)

(The Acronyms and Abbreviations in this Enclosure are UNCLASSIFIED.)

CI	counterintelligence
CIA	Central Intelligence Agency
DCHC	Defense Counterintelligence and HUMINT Center
DHE	Defense HUMINT Executor
DIA	Defense Intelligence Agency
DNI	Director of National Intelligence
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
FORMICA	DoD foreign military intelligence collection activities
HUMINT	human intelligence
IDSRS	Integrated Defense Source Registration System
IIR	intelligence information report
JTF	joint task force
MOA	memorandum of agreement
MOU	memorandum of understanding
NHMD	national HUMINT manager directive
OUSD(I)	Office of the Under Secretary of Defense for Intelligence
TIIR	tactical intelligence information report
U.S.C.	United States Code
USD(I)	Under Secretary of Defense for Intelligence
USG	United States Government

PART II. DEFINITIONS (U)

(U) These terms and their definitions are for the purpose of this Instruction. All other terms used in this Instruction are defined in Reference (a).

(b)(1)



(U) direct access. Descriptor used for sources with firsthand access to the information provided.

(U) employee. For the purpose of reporting suspected violations of U.S. Federal criminal law or threats to assassinate any person, a person employed by, assigned or detailed to, or acting for an element within the Intelligence Community.

(U) enabling activities. Any activity that supports Defense CI and HUMINT operations, functions, and missions. This includes, but is not limited to, asset validation, collection management, collection requirements management, cover, cover support, information systems, production management, source communications, targeting, and training.

(b)(1)



(U) indirect access. Descriptor used for sources who do not have firsthand access to the information provided and who have come upon it through one or more sub-sources.

(b)(1)



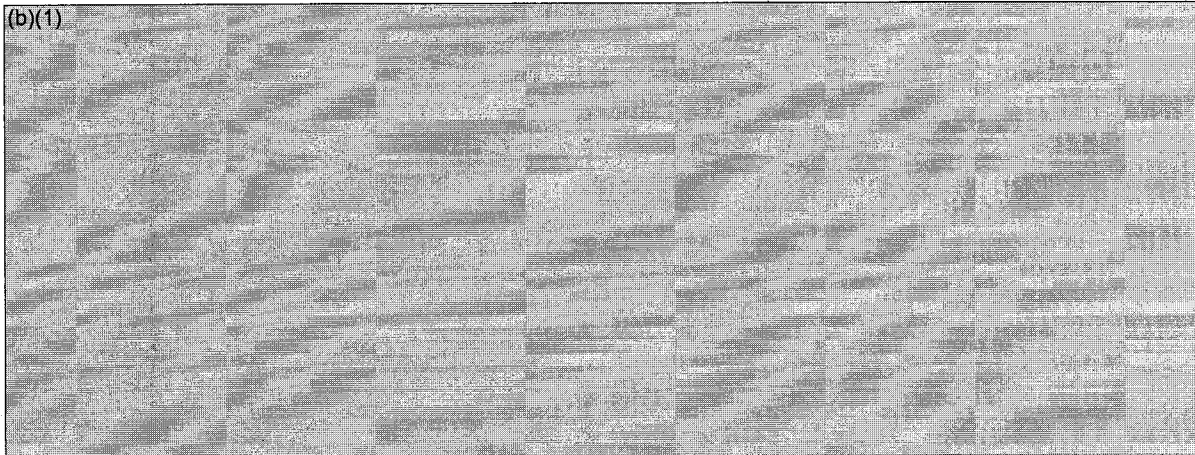
(U) journalist. Full-time or part-time journalists, regardless of nationality (including stringers, who are part-time correspondents covering a local area for a paper published elsewhere, or a freelance journalist who is paid for each piece of broadcast or published work rather than accepting a salary) accredited by a U.S. news service, newspaper, periodical, radio, or television network or station. The term "accredited" means a full- or part-time employee, regardless of nationality, who is formally authorized by contract or by the issuance of press credentials to represent himself or herself either in the United States or abroad, as a correspondent of a U.S. news media organization or is officially recognized by a foreign government as a representative of a U.S. news media organization.

(U) notorious individual. Someone who is widely known and has an unfavorable public reputation.

(U) official. An individual who derives his or her main source of income from employment as an official.

(U) operating directive. A document specifying the tailored long-term collection priorities of a specific HUMINT field element.

(U) operating location. A facility from which Defense HUMINT collectors conduct overt or clandestine operations.



(U) private voluntary organization. Includes, but is not limited to, educational, cultural, philanthropic, civic, fraternal, veterans, youth, trade and/or commercial, or professional associations, foundations, or societies, as well as labor unions and political parties, incorporated or organized in the United States on a nonprofit basis.

(U) prominent individual. Someone who is widely known and has a favorable public reputation. The operational use of such individuals, if discovered, might have an adverse effect on U.S. foreign policy, DoD activities, or military operations, or might embarrass the United States, its allies, or the Department of Defense.

(U) recruitment. Authorized personnel establishing control over an individual who, witting or unwitting of USG involvement, accepts tasking as a result of the established relationship.



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(b)(1)



(U) **tasking.** Directing or requesting a source to perform in a specific manner to achieve an objective or conduct an activity.

(b)(1)



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